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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/753,244	01/08/2004	Peter J. Fellingham	86742WRZ	6721
<div>7590 Mark G. Bocchetti Patent Legal Staff Eastman Kodak Company 343 State Street Rochester, NY 14650-2201</div>			<div>EXAMINER GRAVINI, STEPHEN MICHAEL</div>	
			<div>ART UNIT 3749</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE 05/25/2007</div>	<div>DELIVERY MODE PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/753,244

Applicant(s)

FELLINGHAM ET AL.

Examiner

Stephen Gravini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-6,8,9,11-16 and 18-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2 4-6 8 9 11-16 18-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

Claims 1-2, 4-6, 8-9, 11-13, 16, 18, and, 33-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Kitahara et al. (US 2003/0128253). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying specification. The claimed invention is construed to be anticipated by Kitahara as comprising:

a media support **224**;

a conductive path **224** connected to the media support; and

a heater **226** positioned spaced apart from the media support, the heater being connected to the media support through the conductive path as discussed in paragraph [0265]. The invention is also construed to be anticipated by Kitahara as disclosing the claimed curved media support as shown in figures 2 and 3, conductive path connected to the media support comprising a heat conductive extension connected at one end to the media support, the heater being connected to another location of the extension inherently disclosed at paragraph [0280] because the disclosed head block conducts heat through the disclosed components by the air heater, extension connected to the a curved portion of the media support and conductive path connected to the media support comprising a heat conductive extension connected to the media support and the heater as shown in figure 43, conductive path connected to the media support

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comprising a heat conductive extension connected at one end to the face of the media support, wherein a portion of the extension is positioned relative to the heater such that the heater is supported by the extension and conductive path connected to the media support comprises a heat conductive extension connected at one end to the media support, the heater being connected to another location of the extension at paragraph [0280], first and second surfaces of the media support are heat conductive wherein the heat conductive path connected to the media support comprises a heat conductive extension connected at one end to another portion of the media support and connected at another end to the media support, the heater being connected to another location of the extension as shown in figure 44, wherein the other portion of the media support is a spacer at paragraph [0272], heat conductive path connected to the media support comprising a heat conductive extension integrally formed at one end the media support, the heater being connected to another location of the extension wherein the first surface of the media support is heat conductive at paragraph [0280], media support includes a first surface and a second surface, the first surface being contactable with media, the conductive path being connected to the second surface as shown in figure 44, and heat conductive path connected to the media support comprises a heat conductive extension attached at one end to the media support, the heater being connected to another location of the extension as shown on the face of that reference.

Claims 19-20 and 30-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Rasmussen et al. (US 6,536,894). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the

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accompanying specification. The claimed invention is construed to be anticipated by Rasmussen as comprising:

a media support having a curved surface **34**;

a plurality of heaters **201, 201'** positioned spaced apart from the media support;

and

a plurality of heater extensions **301, 301'**, each of the plurality of heater extensions being connected to the media support, each of the plurality of heater extensions being attached to one of the plurality of heaters, wherein heat generated by the plurality of heaters is conducted to the curved surface of the media support through the plurality of heater extensions as discussed in column 5 lines 1-27 and column 7 lines 31-58; or alternatively:

providing an extension **301** affixed to a support; and

conducting heat from a source of heat through the extension to a surface of the support **302**, the surface of the support being contactable with the article. The invention is construed to also be anticipated by Rasmussen as disclosing the claimed plurality of heater extensions is made from a metal heat conductive material at column 6 lines 35-63 wherein the disclosed heated belt in contact with the sheet "irons" or conducts heat because to those skilled in the art iron is a metal and ironing conducts heat, as claimed.

Claims 22-25 and 29 are rejected under 35 U.S.C. 102(b) as being anticipated by Wotton et al. (US 6,390,618). Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying

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specification. The claimed invention is construed to be anticipated by Wotton as comprising:

a media support **205** having a body portion including a surface contactable with a nonprinted side of a printed media;

a heat conductive extension **405, 406** affixed to the body portion of the media support; and

a heater **411** affixed to the extension at a location spaced apart from the media support. The invention is also construed to be anticipated by Wotton as disclosing the claimed heat conductive extension is attached to the body portion of the media support as shown in figure 3, heat conductive extension being integrally formed with the body portion of the media support as shown in figure 4, wherein the body portion of the media support is curved as shown in figures 3 and 4, and heat conductive extension comprising a plurality of heat conductive extensions affixed to the body portion of the media support, and the heater comprising a plurality of heaters, each heater being affixed to one of the plurality of extensions at a location spaced apart from the media support at column 4 lines 54-63 and column 6 lines 13-37.

Claim Rejections - 35 USC § 103

Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara in view of Hudson (US 3,158,509). The claims are construed to be anticipated by Kitahara, as rejected above, except for the claimed heat insulating component and platen. Hudson, another drying system, is construed to disclose a heat insulating component and downstream platen at column 5 lines 3-72. It would have been obvious

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to one skilled in the art to combine the teachings of Kitahara with the heat insulating component and downstream platen, construed disclosed by Hudson, for the purpose of providing a structural and heat transfer surface for further processing of media.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kitahara. The claims are construed to be anticipated by Kitahara, as rejected above, except for the claimed ratio. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio, since the prior art performs the invention as claimed regardless of a length to thickness ratio.

Claim 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wotton. The claims are construed to be anticipated by Wotton, as rejected above, except for the claimed ratio or plural extensions. It would have been an obvious matter of design choice to one skilled in the art to provide a specific ratio or plural extensions, since the prior art performs the invention as claimed regardless of a length to thickness ratio or number of extensions.

Response to Arguments

Applicants' arguments filed April 11, 2007 have been fully considered but are not persuasive.

anticipation

Current Office practice guides examination, such that claims are to be reasonably and broadly construed, in light of the accompanying specification. Applicants' arguments urge the Office to construe claims more narrowly than permitted by current practice. Specifically, applicants argue that first primary reference Kitahara is

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“abutted to the belt and not physically joined.” In this application it is claimed that a “conducted path connected to the media support.” Broadly and reasonably construing the claimed “connected” includes the argued “abutted” since both terms show a connecting relationship. It is believed the first anticipatory rejection is proper.

With respect to the second anticipatory rejection, applicants propose a similar urging of a narrower Office claim construction. The claimed and argued recitations “connected” and “affixed” are disclosed in second primary reference Ramussen, as being structurally and functionally anticipated because in that teaching the components are connected and affixed, as claimed and argued. Applicants also argue that the heaters must be physically joined in order to be patentable over Rasmussen. This feature is not claimed, and argued features can not render patentability of not recited in the claims such that a structural and functional difference exists from the claimed invention and the prior art. With respect to the argued “ironing” feature of Rasmussen, and claims 30-31, those claims recite heat conductive metal material which is reasonably and broadly construed as the claimed ironing. It is believed the second anticipatory rejection is proper.

Regarding the third anticipatory rejection, applicants assert that the prior art is not physically joined. Since this argued feature is not claimed, it can not be imported as a limitation into the claimed invention to overcome a prior art rejection. It is believed the third anticipatory rejection is proper.

For the reasons set for above, the anticipatory rejections are maintained.

obviousness

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Applicants argue that each of the obviousness rejections are overcome based on the assertion of patentability over the anticipatory prior art references. It is believed that the anticipatory rejections are proper and maintained, such that the obviousness rejections are also believed proper and maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Gravini whose telephone number is 571 272 4875. The examiner can normally be reached on normal weekday business hours (east coast time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571 272 4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMG
May 14 2007

Stephen Givni